

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re: Santo T. Freni
SSN / ITIN: xxx-xx-6386

Chapter 13
Case No. #: 14-10455-JNF

MOTION OF CHAPTER 13 TRUSTEE FOR ORDER DISMISSING CASE
NOTICE OF BAR DATE OBJECTIONS/RESPONSES

Now comes the Chapter 13 Trustee (the "Trustee") and respectfully moves the Court for an Order dismissing this case, and in support thereof states as follows:

1. On February 5, 2014, the above-captioned debtor (the "Debtor") filed a petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. On March 4, 2014 the Trustee convened and presided at a meeting of creditors as required by 11 USC §341. A Second Amended Chapter 13 Plan was filed on March 13, 2015.
3. The Debtor is in arrears according to the terms of the proposed plan totaling \$2,532.00 which is equal to 1.57 months of plan payment(s). **This amount does not include the current month and may increase prior to hearing.** Failure to make plan payments is cause for dismissal pursuant to 11 U.S.C. §1307(c).
4. Further, on April 8, 2015, the Court granted the Debtor's Joint Motion to approve the Loan Modification Agreement with Nationstar Mortgage, LLC. The Debtor was to have filed a further Amended Chapter 13 Plan and Schedules reflecting the changes to the Debtor's finances regarding the Loan Modification and to raise the dividend to the holders of the unsecured claims. The Debtor has failed to file a further Amended Plan.

WHEREFORE, the Trustee respectfully requests that this Court enter an Order dismissing this case.

Respectfully Submitted,

By: /s/ Carolyn A. Bankowski

Carolyn A. Bankowski, BBO #631056

Patricia A. Remer, BBO#639594

Office of the Chapter 13 Trustee

P.O. Box 8250

Boston, MA 02114

(617) 723-1313

13trustee@ch13boston.com

Dated: July 27, 2015

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ORDER DISMISSING CASE

The motion of the Chapter 13 Trustee to dismiss this case having come before this Court, due notice having been given, and for cause shown, it is hereby:

ORDERED: that this Chapter 13 case is dismissed.

Dated: _____

U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

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NOTICE OF BAR DATE FOR OBJECTIONS/RESPONSES

Notice is given that any responses and/or objections to this motion are to be filed within twenty (20) days of the date hereof. If no timely objections/responses are filed, the Court may act on this motion without further notice or hearing as provided by 11 U.S.C. §102(1)(B).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the within Trustee's Motion to Dismiss was served upon the Debtor, Debtor's counsel of record and those parties listed on the following service list by first class mail, postage prepaid.

Dated: July 27, 2015

/s/ Carolyn A. Bankowski, Esq.
Carolyn A. Bankowski

SERVICE LIST

Santo T. Freni
64 Uptack Road
Groveland, MA 01834

Richard D. Smeloff, Esq.
Smeloff & Associates
500 Granite Avenue
Suites 7 & 8
Milton, MA 02186